IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20504 of 2004

Between:

1 Ammireddy Rosamma, W/o Sanjeeva Reddy,
2 Ammireddy Nadipi Sanjeeva Reddy, S/o Koni Reddy,
3 Ammireddy Gangi Reddy, S/o Koni Reddy,
4 Ammireddy Rami Reddy, S/o Koni Reddy,
(All are residents of Madirepalli Village, Duvvur Mandal,
Kadapa District).

..... PETITIONERS

AND

1 The Mandal Revenue Officer, Duvvur Mandal, Duvvur,Kadapa District.
2 Jonnavram Narayanamma, W/o Pedda Hussain Reddy,
R/o Pedda Singannapalli Village,
Madirepalli Post, Duvvur Mandal, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents particularly the 1st respondent in forcing the petitioners to give the possession of the land of 1.98 acres in Sy.No. 5/1 of Madirepalli village in Duvvur Mandal of Kadapa District to the 2nd respondent without giving any notice, without passing any orders, as illegal, unjust, arbitrary and against the statutory provisions, extraneous and consequently direct the1st respondent not to take possession of the land of 1.98 acres in Sy.No. 5/1 of Madirepalli Village in Duvvur Mandal of Kadapa District from the petitioners to give the same to the 2nd respondent.

Counsel for the Petitioners:MR.L.J.VEERA REDDY

Counsel for the Respondent No.1: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER

Heard the learned the learned counsel for the petitioners and learned Government Pleader for Revenue and with their consent, the writ petition itself is taken up for disposal at the stage of admission.

Petitioners claim to have owners and possessors of Ac.1.98 guntas of land in Sy.No.5/1 of Madirepally Village in Duvvur Mandal of Kadapa District, which was originally assigned to a landless poor person under D.K.T. patta No.1392/79, dated 13.4.1970. It is the case of the petitioners that their vendor is protected under Section 3(5) of the Andhra Pradesh Assigned Land (Prohibition of Transfers) Act, 1977, from whom, the petitioners' father said to have purchased the land in the year 1977. The grievance of the petitioners in this writ petition is that the Mandal Revenue Officer-first respondent herein without following the due procedure and without serving any prior notice or order under the Act 9 of 1977, is trying to dispossess the petitioners from the said land and to handover the possession of the same to the second respondent, who is claiming that assignment of the very same land has been granted in his favour.

It cannot be presumed that the respondent No.1 will not follow the procedure as contemplated, for due eviction of the petitioners and for assignment of the said land in favour of the second respondent, if any. If such transfer is prohibited under the Act 9 of 1977, the first respondent shall not dispossess the petitioners from the land in question unless necessary orders are passed.

With the above observation, the writ petition is disposed of. No costs.

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A. GOPAL REDDY. J.

8th November, 2004

tsr.

To

1 The Mandal Revenue Officer, Duvvur Mandal, Duvvur,Kadapa District

2. Two C.C.s to Government Pleader for Revenue, High Court Buildings, Hyderabad.

3. Two C.D. copies.